

CITY COUNCIL AGENDA

MAY 7, 2002

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Members Dando, Diquisto, LeZotte, Williams; and Mayor Gonzales (all excused)

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members Diquisto, LeZotte; and Mayor Gonzales (all excused)

7:10 p.m. - Public Hearings & General Plan, Council Chambers, City Hall
Absent: Council Members Diquisto, LeZotte; and Mayor Gonzales (all excused)
- **Invocation (District 5)**
The Reverend Verle Shore, Portuguese Baptist Church, delivered the invocation in English and Portuguese.
- **Pledge of Allegiance**
Vice Mayor Shirakawa, Jr. led in the Pledge of Allegiance.
- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the Association of Retired San José Police Officers and Fire Fighters in recognition of their commitment and service to the communities throughout the City of San José. (Campos)
- Joining Vice Mayor Shirakawa, Jr. at the Podium, Council Member Campos introduced eight members of the Association of Retired San José Police Officers and Fire Fighters, and recognized the public safety officers for dedicating their lives to the protection and safety of the residents of San José, for helping to improve the quality of life for senior citizens, assisting students at homework centers, and in providing much-needed services to other charitable organizations. On behalf of the Mayor and Council, Vice Mayor Shirakawa, Jr. presented the commendation to the Association and thanked the retirees for their work in the communities and their contributions to the City of San José.**

1 CEREMONIAL ITEMS

- 1.2 Presentation of plaques to Victor Mike Farias for 2 years 10 months service on the Arts Commission, and to Janet Thompson for 1 year 4 months service on the Appeals Hearing Board. (Mayor)

The plaques for Victor Mike Farias and Janet Thompson will be mailed, as the honorees were unable to attend the Council meeting.

- 1.3 Presentation of a proclamation declaring May 2002 as Older Americans' Month in the City of San José. (Mayor, Dando)
(Rules Committee referral 5/1/02)

As Council Liaison to the Senior Citizens Commission, Council Member Dando joined Vice Mayor Shirakawa, Jr. at the Podium to acknowledge Older Americans' Month in the City of San José. She introduced Senior Citizens Commission Chair Lee Ann McClenahen, and Director of the Office on Aging Dave Peyton, who accepted the proclamation on behalf of more than 120,000 older Americans in the City of San José, and invited the Department Staff to stand to be recognized. Council Member Dando encouraged all residents to respond to the theme of the Special Month – *Seniors Are Community Founders* – by celebrating the contributions of the older residents to the community-at-large and supporting their independence and their sustained quality of life. Commission Chair McClenahen gave Council Member Dando a floral arrangement in recognition of the Liaison's work with the seniors, and invited the seniors in the audience to stand and be recognized.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Adjourned regular meeting of October 25, 2001

Approved.

- (b) Adjourned regular meeting of October 26, 2001

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26611 – Amends Chapter 4.58 of Title 4 of the San José Municipal Code by adding a new Section 4.58.085 to exempt transfers of real property between domestic partners from the City's real property conveyance tax.

Ordinance No. 26611 adopted.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (b) ORD. NO. 26614 – Amends Chapter 4.46 of Title 4 of the San José Municipal Code to add a new section to suspend the collection of Building and Structures Taxes imposed for the construction of Special Incentive Industrial Use Tenant Improvements.

Ordinance No. 26614 adopted.

2.3 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #32, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.4 Approval of actions related to the Community Based Aftercare Program.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement with the County of Santa Clara increasing the amount by \$20,000 for the Community Based Aftercare Program subgrant, for a total amount of \$920,000, for the period May 15, 2001 through June 30, 2002.

Resolution No. 70952 adopted.

- (b) Adoption of an appropriation ordinance and funding sources resolution amendments in the General Fund:

- (1) Increase the revenue estimate for Revenue from Local Agencies by \$20,000.
- (2) Increase the City-Wide appropriation for the Community Based Aftercare Program by \$20,000.

Ordinance No. 26621 adopted.

Resolution No. 70953 adopted.

- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute grant agreements with service providers to provide services to parents and at-risk youth increasing the total amount by \$20,000, from \$800,000 to \$820,000.

(Parks, Recreation and Neighborhood Services/Budget Office)

Resolution No. 70954 adopted.

2 CONSENT CALENDAR

2.5 Approval to accept the California Law Enforcement Equipment Program Grant.

Recommendation:

- (a) Adoption of a resolution to accept the 2001-02 California Law Enforcement Equipment Program (CLEEP) Grant in the amount of \$313,164.

Resolution No. 70955 adopted.

- (b) Adoption of the following amendments to the annual appropriation ordinance and funding sources resolution in the General Fund for Fiscal Year 2001-02:

- (1) Establish a 2001-02 CLEEP grant appropriation to the Police Department in the amount of \$313,164.

- (2) Increase the revenue from the State by \$313,164.

(Police/City Manager's Office)

Ordinance No. 26622 adopted.

Resolution No. 70956 adopted.

2.6 Approval to set a public hearing for an Underground Utility District (Rule 20A).

Recommendation: Adoption of a resolution to consider the establishment of Rule 20A Underground Utility District on Fourth, Fifth, and Sixth Streets, from Saint John to Santa Clara Streets, Seventh Street from Saint John to San Fernando Streets, Santa Clara and San Fernando Streets from Sixth to Seventh Streets, and Saint John Street from Third to Seventh Streets, and setting a public hearing on June 18, 2002 at 1:30 p.m. CEQA: Exempt, PP02-03-061. Council District 3. SNI: Saint James Square. (Public Works)

Resolution No. 70957 adopted.

2.7 Approval of actions related to preliminary engineering for a fire station and evaluating the formation of a Community Facilities District for the Communications Hill Project.

Recommendation:

- (a) Adoption of the following appropriation ordinance and funding sources resolution amendments in the General Fund:

- (1) Establish a Citywide appropriation to the Department of Public Works in the amount of \$30,000 for a feasibility investigation for the Communications Hill Community Facilities District.

- (2) Increase the earned revenue estimate for Other Revenue by \$30,000.

Ordinance No. 26623 adopted.

Resolution No. 70958 adopted.

This item continued on the next page.

2 CONSENT CALENDAR

2.7 Approval of actions related to preliminary engineering for a fire station and evaluating the formation of a Community Facilities District for the Communications Hill Project. – (Cont'd.)

Recommendation:

(b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Construction and Conveyance Tax Fund - Fire Purposes:

(1) Establish an appropriation to the Department of Public Works in the amount of \$20,000 for engineering support for the Communications Hill Fire Station Project.

(2) Increase the estimate for Earned Revenue by \$20,000.

Council District 7. (Public Works/City Manager's Office)

Ordinance No. 26624 adopted.

Resolution No. 70959 adopted.

2.8 Approval of an agreement for the upgrade of the Human Resources/Payroll System.

Recommendation: Approval of the second amendment to the consulting services agreement with Acuent, Inc. for the upgrade of the Human Resources/Payroll System, to increase contract deliverables, extend project support by four weeks, and increase compensation by \$147,200, for a total contract amount not to exceed \$1,098,400, by re-allocation of funds from existing project resources.

(Finance/City Manager's Office/Information Technology)

(Deferred from 4/30/02 – Item 2.4)

Approved.

2.9 Approval to award a contract for the Almaden Winery Park Improvements Project.

Recommendation: Report on bids and award of contract for the Almaden Winery Park Improvements Project to the low bidder, HSR, Inc., in the amount of \$331,180, and approval of a contingency in the amount of \$33,000. CEQA: Exempt, PP01-11-205.

Council District 10. (Public Works)

(Rules Committee referral 5/1/02)

Approved.

2.10 Approval of Council Member Linda LeZotte's travel.

Recommendation: Approval of Council Member Linda LeZotte's travel to Las Vegas, Nevada, May 3-8, 2002, to attend the Investments Institute Conference. Funding:

Federated Employees Retirement Board. (LeZotte)

(Rules Committee referral 5/1/02)

Approved.

2 CONSENT CALENDAR

2.11 Authorization for Mayor Gonzales to travel.

Recommendation: Approval of Mayor Gonzales' travel to Washington, D.C., May 5-9, 2002, for City and VTA business. Funding: Valley Transportation Authority. (Mayor)
(Rules Committee referral 5/1/02)

Approved.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – April 24, 2002

Vice Mayor Shirakawa, Jr., Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting

(b) City Council

(1) Review May 7, 2002 Draft Agenda

The Committee approved the May 7, 2002 City Council Agenda with one addition.

(2) Add New Items to April 30, 2002 Amended Agenda

The Committee recommended three additions and a

“Change to Read” to the April 30, 2002 City Council Agenda.

(3) Review May 7, 2002 General Plan Agenda

The Committee approved the May 7, 2002 General Plan Agenda.

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(a) Finance and Infrastructure Committee

The Committee recommended four additions to the Finance and Infrastructure Committee Meeting of May 8, 2002, Items d, e, f, and g.

This item continued on the next page.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 24, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(b) Economic Development and Environment Committee

The Committee recommended [1] two additions to the Economic Development and Environment Committee meeting of May 6, 2002, and [2] one addition to the June 3, 2002 Economic Development and Environment Committee Meeting, Item a.

(c) Education, Neighborhoods, Youth, and Seniors Committee

None Presented.

(d) Meeting Schedules

(1) Request to schedule an evening City Council meeting

The Committee recommended approval to schedule an evening Joint City Council/Redevelopment Agency Meeting on June 11, 2002 at 7:00 p.m. in Council Chambers.

(e) The Public Record

The Committee noted and filed the Public Record for the period April 10-16, 2002.

(f) Boards, Commissions and Committees

None Presented.

(g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

None Presented.

(h) Administrative Reviews and Approval

(1) Approve Staff's proposed recommendation on HR 4058 (formerly HR 3959), *The Military Standards for Airport Security Screeners Act*

The Committee recommended approval of the Staff recommendation to support HR 3959 and urged the City's position be distributed widely to garner support in the region in addition to working closely with the City's California and Washington Legislative Delegations.

(i) Oral Communications

None Presented.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 24, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(j) Adjournment

The meeting was adjourned at 2:25 p.m.

The Rules Committee Report and actions of April 24, 2002 accepted with direction to Staff to forward in the form of a letter to the Legislature the resolution conveying the City's position and action on HR 4058 (formerly HR 3959) regarding Airport Security Screeners, Item 3.2(h)(1).

3.3 Report of the Finance and Infrastructure Committee – April 24, 2002

Council Member Dando, Chair

(a) Consent Items

(1) March Monthly Report

(2) Unfunded Projects Appropriation Report as of March 2002

The Committee approved the Consent Items.

(b) Semi Annual Recommendation Follow-Up for Six Months ending December 2001

The Committee accepted the staff report with the recommendation that Audit recommendations #2 and #4 be dropped from the *Audit of the Fire Department's Strategic Plan Regarding proposed Fire Stations*.

(c) Major Information Technology Projects Update

The Committee accepted the staff report.

(d) Monthly Financial Statement for March 2002

(e) Capital Cost Report

(f) Cash Flow Projection

(g) Tax Increment Forecast

Redevelopment Agency Items (d) through (g) to be reported out at Redevelopment Agency Board meeting

(h) Oral Petitions

None Presented.

(i) Adjournment

The Committee adjourned at 4:30 p.m.

The Finance and Infrastructure Committee Report and actions of April 24, 2002 accepted.

3 STRATEGIC SUPPORT SERVICES

3.4 Adoption of a position on SB 1243.

Recommendation: Adoption of a position on SB 1243 (Torlakson), the proposed merger of MTC and ABAG. (Cortese)
(Rules Committee referral 5/1/02)

Council adopted an OPPOSED position of Senate Bill 1243, which currently proposes merging the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) by transferring ABAG's statutory regional land use responsibilities, including housing needs determination, and the Interregional Partnership to MTC.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee Council Member Williams, Chair No Report.

4.2 Approval of actions related to the Evans Lane Family Apartments.

Recommendation: Approval of the following actions regarding the Evans Lane Family Apartments located at 1848 Evans Lane:

- (a) Hold a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing for the issuance of up to \$31,000,000 in tax-exempt multifamily housing revenue bonds for the construction of a 240-unit family rental housing development located at 1848 Evans Lane.

**TEFRA Hearing Held
No Public Testimony Presented.**

- (b) Adoption of a resolution certifying that the TEFRA Hearing was held in accordance with applicable federal regulations.

Council District 6. (Housing/Finance)
Resolution No. 70960 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – April 25, 2002

Council Member Chavez, Chair

- (a) Discussion on Education Policy
The Committee discussed the Policy; took no formal action; and referred recommendations to the May 20, 2002 regular meeting of the Education, Neighborhood, Youth and Seniors Committee.
- (b) Oral Petitions
None Presented.
- (c) Adjournment
The meeting was adjourned at 4:15 p.m.

The Education, Neighborhoods, Youth, and Seniors Committee Report and actions of the Special Meeting on April 25, 2002 accepted.

6 TRANSPORTATION SERVICES

6.1 Approval of actions related to Newhall Street.

Recommendation:

- (a) Adoption of a resolution to permanently prohibit motorized vehicular traffic from making all turns at the intersection of Campbell Avenue and Newhall Street, and permanently prohibit motorized vehicular through traffic on O'Brien Court approximately 60 feet from its intersection at Campbell Avenue.

Resolution No. 70964 adopted.

- (b) Approval of an ordinance amending Section 11.96.070 of Chapter 11.96 of Title 11 of the Municipal Code to remove Newhall Street between The Alameda and Campbell Avenue from the list of streets upon which commercial vehicles in excess of five tons are prohibited.

District 6. (Transportation)

Ordinance No. 26626 passed for publication.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval to implement changes in the Residential and the Commercial Solid Waste Programs.

Recommendation: Approval of an ordinance amending Chapter 9.10 of Title 9 and Section 13.20.070 of Title 13 of the San José Municipal Code to implement changes in the Residential Solid Waste Program and to clarify provisions relating to the Commercial Solid Waste Program. CEQA: Exempt, PP02-04-068. (Environmental Services)

Ordinance No. 26625 passed for publication.

7.2 Approval to reduce the Sanitary Sewer Connection Fee for a County Park staging area.

Recommendation: Adoption of a resolution granting the County of Santa Clara an adjustment to reduce the Sanitary Sewer Connection Fee for a County Park staging area. Council District 2. (Public Works)

Resolution No. 70961 adopted.

8 AVIATION SERVICES

8.1 Approval of an agreement for the Automated People Mover Projects at the Airport.

Recommendation: Approval of an agreement with Lea+Elliott, Inc. for consultant services for the Automated People Mover Projects at the Norman Y. Mineta San José International Airport in the amount of \$650,000, for a term from the date of execution through April 30, 2007. (Public Works/Airport)
(Deferred from 4/30/02 – Item 8.1)

Deferred to 05/14/02.

8.2 Approval of an Interim Agreement for Airport Parking Management.

Recommendation: Adoption of a resolution authorizing the Director of General Services to:

- (a) Negotiate and execute a six month interim agreement with (3) one-month options for renewal with Five Star Parking/Classic Parking, Inc. for Airport parking facilities management for the period May 8, 2002 through November 8, 2002, with total maximum compensation not to exceed \$2,400,000.
- (b) Execute each of the options without further City Council action.
- (c) Negotiate and execute amendments to the agreement for further refinement during the term of the agreement.

CEQA: Resolution No. 67380, PP02-05-102. (General Services)
(Orders of the Day)

Resolution No. 70962 adopted.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report

None Presented.

- Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9163	E/S 101 between Yerba Buena, Hellyer, & Silver Creek Valley Rd	8	William Lyon Homes	5 lots	SFDR	Approve
9170	E/S 101 between Yerba Buena, Hellyer, & Silver Creek Valley Rd	8	William Lyon Homes	81 lots	SFDR	Approve
9171	E/S 101 between Yerba Buena, Hellyer, & Silver Creek Valley Rd	8	William Lyon Homes	47 lots	SFDR	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

None.

- Open Forum

None Presented.

- Following Open Forum, Council recessed at 2:25 p.m. and reconvened at 7:10 p.m., Council Chambers, City Hall.

11 PUBLIC HEARINGS

11.1 Public Hearing on a street renaming.

Recommendation: PUBLIC HEARING ON STREET RENAMING of a proposed frontage road running parallel to the east of State Highway 87, between the northerly line of West Hedding Street and southerly line of Coleman Avenue to Guadalupe Road. CEQA: Exempt. Historical Landmarks Commission and Director of Planning, Building and Code Enforcement recommend renaming to El Pueblo Viejo. Planning Commission recommends renaming to Guadalupe Parkway Frontage Road (7-0-0).

District 3

(Continued from 12/4/01 – Item 11.1 et al., and 4/2/02 – Item 11.1)

Continued to 05/21/02.

11.2 Public Hearing on planned development rezoning at North First, Taylor, Miller, and Asbury Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the block bounded by North First, Taylor, Miller, and Asbury Streets, from R-2 Residence and CG Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 400 attached residential units and 7,000 square feet of commercial uses on 2.8 gross acres. (Barry Swenson Builder, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-09-086 - District 3

(Continued 12/4/01 – Item 11.6 et al., and 3/19/02 – Item 11.5)

Ordinance No. 26632 passed for publication.

Council approved the Staff and the Planning Commission recommendation to adopt an ordinance rezoning the subject site as proposed by the applicant, with the following additions contained in the May 7, 2002 memorandum from Council Member Chavez:

- (a) Incorporate recent design revisions that lower the height and unit counts of Phase I & II;
- (b) Incorporate design revisions that insure ground level space along First Street can operate as stand-alone commercial or in conjunction with the proposed townhouse units as live-work spaces;
- (c) During the PD Permit phase for Phases II and III, review the design to determine whether additional steps are warranted to enhance privacy protection of neighbors;
- (d) Incorporate design elements (i.e., wide sidewalks, good pedestrian lighting, street trees, etc.) as appropriate to insure that the pedestrian experience for residents and others utilizing this commercial/live workspace is positive;
- (e) Accept developer proposed accelerated PDO fee schedule;

This item continued on the next page.

11 PUBLIC HEARINGS

11.2 Public Hearing on planned development rezoning at North First, Taylor, Miller, and Asbury Streets – (Cont'd.)

- (f) **Modify the DPW \$500,000 requirement for traffic calming to require the fees in two phases:**
 - **An initial phase of up to \$200,000 towards traffic calming and pedestrian crossing enhancements in the neighborhood; and**
 - **A second phase following the Traffic and Signal Warrant Analysis of Phase II of up to \$300,000;**
- (g) **Require Staff to work with the community during the second phase to identify traffic challenges and solutions as appropriate within the scope outlined above;**
- (h) **Require the Developer to utilize VTA's EcoPass Program as part of a transit demand management program associated with the proposal; and**
- (i) **Accept Developer contribution to fund Council-initiated rezoning to insure zoning is appropriate to single-family residential properties within the Vendome neighborhood.**

11.3 Public Hearing on planned development rezoning at the southeast corner of Bascom Avenue and Camden Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Bascom Avenue and Camden Avenue, from CP Commercial Pedestrian District to A(PD) Planned Development Zoning District, to allow the addition of a car wash facility to an existing gas station on 0.519 gross acre (Chevron Products Co., Owner/Developer). CEQA: Mitigated Negative Declaration.

PDC 01-03-036 - District 9

(Continued from 2/5/02 – Item 11.5 and 4/16/02 – Item 11.1)

Continued to 05/21/02.

11 PUBLIC HEARINGS

11.4 Public Hearing on conforming planned development rezoning at Highway 101 and Hellyer Avenue.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located on the easterly side of Highway 101, approximately 1,000 feet northerly of Hellyer Avenue, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to reconfigure a previously approved 550 unit residential subdivision and an 18-hole public golf course to avoid the relocation of public utilities facilities on a 579.4 gross acre site. (Cerro Plata Associates, LLC, Owner, William Lyon Homes, Developer). CEQA: Resolution No. 64913.

PDC 02-01-011 - District 8

(Continued 4/16/02 – Item 11.6)

Continued to 05/21/02.

11.5 Public Hearing on planned development rezoning at South 3rd and Keyes Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of South 3rd Street, 200 feet northerly of Keyes Street, from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 176 multi-family attached dwelling units on 2.86 gross acres. (Schindler Trust, Owner; Fairfield Residential LLC, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 00-10-104 - District 3

Ordinance No. 26627 passed for publication.

11.6 Public Hearing on planned development rezoning at Narvaez Avenue and Amanda Drive.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Narvaez Avenue, approximately 220 feet northerly of Amanda Drive, from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to (5) five single family detached residential units on 0.65 gross acres. (Betty R. Burrous Trustee, Owner; John Brezzo, DKB Homes LLC, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval with minor modifications to the site and grading plans in accordance with the revised recommendation by staff (6-0-1).

PDC 01-06-066 - District 10

Ordinance No. 26628 passed for publication.

11 PUBLIC HEARINGS

11.7 Public Hearing on planned development rezoning at San Pedro and West St. James Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of San Pedro Street, 130 feet northerly of West St. James Street, from CG Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 109 multi-family attached dwelling units on 0.77 gross acres. (Green Valley Corporation, Owner; Barry Swenson Builder, Developer). CEQA: Resolution No. 68839.

PDC 01-11-100 - District 3

Continued to 05/21/02.

11.8 Public Hearing on planned development rezoning at Madden and Jackson Avenues.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Madden Avenue, approximately 290 feet easterly of Jackson Avenue (2334 and 2342 Madden Avenue), from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow 5 single family detached residences on 0.34 gross acres. (Fernando Po and Thao Vinh, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 00-084 - District 5

Ordinance No. 26629 passed for publication.

11.9 Public Hearing on planned development rezoning at Coleman Avenue and West Hedding Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Coleman Avenue and West Hedding Street, from A(PD) Planned Development Zoning District and R-2 Residence Zoning District to A(PD) Planned Development Zoning District, to allow a hotel use with up to 72 rooms on 0.58 gross acres. (PBP Limited Partnership, Owner; Pinn Bros., Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 02-004 - District 3

Ordinance No. 26630 passed for publication.

11 PUBLIC HEARINGS

11.10 Public Hearing on planned development rezoning at Samaritan Drive and Samarita Place.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Samaritan Drive and Samarita Place, from CP Commercial Pedestrian and CO Commercial Office Zoning Districts to A(PD) Planned Development Zoning District, to allow a 49,000 square foot addition to an existing hospital on 19.1 gross acres. (Good Samaritan Hospital, L.P., c/o William Picho, CEO: Owner/Developer). CEQA: Mitigated Negative Declaration. PDC 01-05-063 - District 9

Continued to 06/04/02.

- **Open Forum**
 - (1) **12 individuals supporting retention of the “Elite Sports Camp” and the “Wheels of Fire” Programs addressed Council on the status of the Office of Therapeutic Services programs and their programs’ importance.**
 - (2) **Elza Theodule spoke on various societal issues.**
- **Adjournment**

The Council of the City of San José adjourned at 9:10 p.m.

JOINT REDEVELOPMENT AGENCY/COUNCIL ACTIONS

2:27 p.m. - Joint Session, Council Chambers, City Hall
Absent: Council Members Diquisto, LeZotte; and
Mayor Gonzales (all excused)

The following resolution was adopted at the Joint Redevelopment Agency/City Council meeting on Tuesday, May 7, 2002:

SAN ANTONIO PLAZA

- 7.1 Public Hearing and approval of an Amended and Restated DDA with The Montgomery Hotel Group, L.L.C., for the development of the Montgomery Hotel as an approximately 83-room boutique hotel with a ground floor restaurant and authorization for the Executive Director to execute the DDA and ancillary documents and to close escrow.**

Recommendations:

- (a) Adoption of a resolution by the City Council approving the sale of the Montgomery Hotel site (generally located between San Fernando and San Carlos) to The Montgomery Hotel Group, LLC, acceptance of the supplementary 33433 Summary Report and finding that the sale of the property will assist in the elimination of blight, that it is consistent with the Implementation Plan for the San Antonio Plazas Redevelopment Project Area, and that the consideration for the property is not less than the fair reuse value for the proposed use with the covenants and conditions and development costs authorized by the DDA.

Resolution No. 70963 adopted.

Vote: 8-0-3-0. Absent: Diquisto, LeZotte; Gonzales.

- (b) Approval by the Agency Board of an Amended and Restated Disposition and Development Agreement (DDA) with The Montgomery Hotel Group, LLC, for the development of the Montgomery Hotel as an approximately 83-room boutique hotel with a ground floor restaurant and adoption of a resolution authorizing the Executive Director to execute the DDA and ancillary documents, to close escrow and to negotiate and execute amendments to the DDA substantially in conformance with the intent of the DDA as reasonably necessary to confirm to lender requirements.

Redevelopment Agency Board Resolution No. 5278 adopted.

Votes: 8-0-3-0. Absent: Diquisto, LeZotte; Gonzales.

- (c) Approval of a property-use and parking agreement by the Agency Board with The Montgomery Hotel Group, LLC, for the Montgomery Hotel's use of sixty parking spaces immediately south of the Project, until such time as the Agency requires the parcel for redevelopment.

Approved.

Votes: 8-0-3-0. Absent: Diquisto, LeZotte; Gonzales.

